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JOHN P. WARD
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1026

EXAMINER	
WRIGHT, INGRID D	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/751,174
Filing Date: December 31, 2003
Appellant(s): OAKLEY, NICHOLAS W.

Thomas S. Ferrill, 42 532
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/12/06 appealing from the Office action mailed 1/10/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6384811 B1 05-2002 Kung et al.

US 6654234 B2 11-2003 Landry et al.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5,7-11,14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. et al. US 6384811 B1.

With respect to claim 1, Kung et al. et al. teaches (fig. 6) a portable computer (not labeled) comprising a base (3), a lid (2), a first link (40) hinged to the base (3) about a first axis at a first position, and hinged to the lid (2) about a second axis; and a second link (42) hinged to the base (3) about a third axis at a second position, and hinged to the lid (2) about a fourth axis, (Column 3, Lines 65-67 & Column 4, Lines 1-8).

Kung et al. et al. lacks a distance between the first position and the second position, being shorter than one half the length of the base.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reposition the links indicated at by Kung et al. et al., in order to provide an alternate equivalent means of providing a support structure for the lid. Repositioning the links will still provide the same support for a lid in a portable computer.

With respect to claim 2, Kung et al. et al. teaches (fig. 7) the first (40) and second link (42) situated to position an edge of the display (2) a distance from a first edge of the base (3) towards a second opposite edge of the base, when the lid (2) is in an unfolded position (Column 3, Lines 65-67 & Column 4, Lines 1-20).

With respect to claim 3, Kung et al. et al. teaches (fig. 6) the first link (40) is pivotally coupled to the first edge of the base (3), and the second link (42) is pivotally coupled to the base (3) between the first link (40) and the second edge of the base (3) (Column 3, Lines 65-67 & Column 4, Lines 1-20).

With respect to claim 4, Kung et al. et al. teaches (fig. 7) in the unfolded position, a distance between the first link (40) pivotally coupled to the base (3) and second link (42) pivotally coupled to the base (3), is less than a distance between the bottom of the lid (2) and the first edge of the base (3).

With respect to claims 5,11 & 16 respectively, Kung et al. et al. teaches (fig. 6) the apparatus is mobile computer system (not labeled).

With respect to claim 7, Kung et al. et al. teaches (fig. 7) a portable computer (not labeled) comprising a base (3); a Lid (2); a first link (40) pivotally coupled to the base (3) and pivotally coupled to the lid (2); and a second link (42) pivotally coupled to the base (3) and pivotally coupled to the lid (2), the first and second link (40,42) positioned to position an edge of the display (2) a distance from a first edge of the base (3) towards a second opposite edge of the base (3), when the lid (2) is in an unfolded position.

Kung et al. et al. lacks a distance between the first position and the second position, being shorter than one half the length of the base.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reposition the links indicated at by Kung et al. et al., in order to provide an alternate equivalent means of providing a support structure for the lid. Repositioning the links will still provide the same support for a lid in a portable computer.

With respect to claim 8, Kung et al. et al. teaches (fig. 7) the first link (40) has a length greater than the second link (42).

With respect to claim 9, Kung et al. et al. teaches (fig. 7) the first link (40) is pivotally coupled to first edge of the base (3), and the second link (42) is situated between the first link (40) and the second edge of the base (3).

With respect to claim 10, Kung et al. e al. teaches (fig. 7) in the unfolded position, a distance between the first link (40) pivotally coupled to the base (3) and second link (42) pivotally coupled to the base (3), is less than a distance between the bottom of the lid and the first edge of the base.

With respect to claim 11, Kung et al. et al. teaches (fig. 6) the apparatus is mobile computer system (not labeled).

With respect to claim 14, Kung et al. et al. teaches (fig. 6) a portable computer (not labeled) comprising a base (3); a lid (2); a first link (40) pivotally coupled to a first edge of the base (3) at a first position and pivotally coupled to lid (2), a first distance from an edge of the lid (2); and a second link (40) pivotally coupled to the base (3) at a second position, a second distance from the first link (40), and pivotally coupled to an edge of the lid (2).

Kung et al. et al. lacks a distance between the first position and the second position, being shorter than one half the length of the base.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reposition the links indicated at by Kung et al. et al., in order to provide an alternate equivalent means of providing a support structure for the lid. Repositioning the links will still provide the same support for a lid in a portable computer.

With respect to claim 15, Kung et al. et al. teaches (fig. 7) the first link (40) and second link (42) are coupled to the base (3) and lid (2), to position the edge of the lid (2) a third distance from the first edge of the base (3) towards a second opposite edge of the base (3), when the lid (2) is in an unfolded position.

2. Claims 6,12,13, & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. et al. US 6384811 B1 in view of Landry et al. US 6654234 B2.

With respect to claim 6, in regards to all the limitations of claims 1-5 above, Kung et al. et al. teaches (fig. 6) the first and second links (40,42) are pivotally coupled to a member section (124) of the base (3), the member section pivotally coupled to the base (3).

Kung et al. et al. does not teach a member section of the base (3), the member section pivotally coupled to the base (3).

Landry et al. teaches (fig. 5) a computing device (10) comprising a member section (124) of a base (74), the member section pivotally coupled to a base (74) (Column 4, Lines 59-67 & Column 5, Lines 1-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the pivotal member as taught by Landry et al. on the base of Kung et al. et al., in order to provide a more pivotal rotation about any desired height and angle desired by the user (Column 5, Lines 19-21 of Landry et al.).

With respect to claims 12 & 17 respectively, in regards to all the limitations of claims 7 & 14-16 above, Kung et al. et al. teaches (fig. 6) first and second links (40,42).

Kung et al. et al. does not teach the first and second links are pivotally coupled to a member section of the base.

Landry et al. teaches (fig. 5) the member section (124) pivotally coupled to a base (74).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the pivotal member as taught by Landry et al. on the base with coupled links of Kung et al. et al., in order to provide a more pivotal rotation about any desired height and angle desired by the user (Column 5, Lines 19-21 of Landry et al.).

With respect to claim 13, in regards to all the limitations of claim 7 above, Landry et al. teaches (fig. 5) the member section (124) pivotally coupled to a base (74).

(10) Response to Argument

With respect to Appellant's Overview of Cited References, the Examiner agrees with the Appellant's description of the references.

With respect to Appellant's argument #B, regarding claims 1-5 and the limitations: whereby a distance between the first position and the second position is shorter than one half of the length of the base," the Examiner agrees as stated in the previous Office Action, that the distance between the first position (32) and the second position (30) of Kung et al. is not shorter than one half of the length of the base (3) and clearly exemplifies that the only difference between configuration illustrated in the prior art of Kung et al. and the claimed limitations as stated above, is that the distance between the first position and the second position of Kung et al. is slightly longer than one half of the length of the base. It would be obvious to one having ordinary skill in the art, to reposition the second link of Kung et al., by moving the second link closer to the first link and additionally increase the length of the first and second link at the point, where the

first and second link is pivotally hinged to the lid, in order to enable the lid of the device to pivotally maintain a viewing and a closed position. Clearly, the functionality of the lid to maintain a viewing and a closed position would be maintained and render Kung et al. operable, if these adjustments were made by one having ordinary skill in the art. Thus, it would be obvious to one having ordinary skill in the art to utilize the aforementioned configuration in many electronic devices, in order to pivotally open or close a lid, over flat surface or housing.

With respect to Appellant's argument #B, regarding claims 7-11 & 14-16, and Kung et al. not teaching the limitations: "a distance between the first edge and a position of hinging of the second link to the base is shorter than the distance between the position of the hinging of the second link to the base and the second edge of the base," the Examiner agrees and stated in the previous Office Action that Kung et al. does not teach "a distance between the first edge and a position of hinging of the second link to the base is shorter than the distance between the position of the hinging of the second link to the base and the second edge of the base." Although, Kung et al. does not teach these limitations, it would be obvious to one having ordinary skill in the art, to reposition the second link of Kung et al., by moving the second link closer to the first link and additionally increase the length of the first and second link at the point, where the first and second link is pivotally hinged to the lid, in order to enable the lid of the device to pivotally maintain a viewing and a closed position. Clearly, the functionality of the lid to

maintain a viewing and a closed position would be maintained and render Kung et al. operable, if these adjustments were made by one having ordinary skill in the art.

With respect to Appellant's argument #B, regarding claims 6 & 17 and Kung et al. not teaching the limitations: a distance between the first position and the second position is shorter than one half of the length of the base," the Examiner agrees and stated in the previous Office Action that Kung et al. does not teach a distance between the first position and the second position is shorter than one half of the length of the base." Although, Kung et al. does not teach these limitations, it would be obvious to one having ordinary skill in the art, to reposition the second link of Kung et al., by moving the second link closer to the first link and additionally increase the length of the first and second link at the point, where the first and second link is pivotally hinged to the lid, in order to enable the lid of the device to pivotally maintain a viewing and a closed position. Clearly, the functionality of the lid to maintain a viewing and a closed position would be maintained and render Kung et al. operable, if these adjustments were made by one having ordinary skill in the art. Further, Landry is relied upon to teach a member section (124) of a base (74), which is pivotably coupled to the base, and is not needed to meet the limitations as mentioned in the above argument.

With respect to Appellant's argument #B, regarding claim 12 & 13 and Kung et al. not teaching the limitations: "a distance between the first edge and a position of hinging of the second link to the base is shorter than the distance between the position of

hinging of the second link to the base and the second edge of the base," the Examiner agrees and stated in the previous Office Action that Kung et al. does not teach a distance between the first edge and a position of hinging of the second link to the base is shorter than the distance between the position of hinging of the second link to the base and the second edge of the base." Although, Kung et al. does not teach these limitations, it would be obvious to one having ordinary skill in the art, to reposition the second link of Kung et al., by moving the second link closer to the first link and additionally increase the length of the first and second link at the point, where the first and second link is pivotally hinged to the lid, in order to enable the lid of the device to pivotally maintain a viewing and a closed position. Clearly, the functionality of the lid to maintain a viewing and a closed position would be maintained and render Kung et al. operable, if these adjustments were made by one having ordinary skill in the art. Further, Landry is relied upon to teach a member section (124) of a base (74), which is pivotably coupled to the base, and is not needed to meet the limitations as mentioned in the above argument.

For the above reasons, it is believed that the rejections should be sustained

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ingrid Wright AU 2835

LYNN FEILD
SUPERVISORY PATENT EXAMINER

Conferees:

1. Lynn Feild, SPE AU 2835

2. Darren Schuberg, SPE AU 2834